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*The Effect of the Recent Orders in Council, in relation to English, Russian, and Neutral Commerce.* By ALFRED WADDILOVE, D.C.L.

[Read before the Statistical Society, 15th January, 1855.]

THE object of the present paper is to point out the great change that has taken place in an important principle of our declared International Law, as manifested by the recent Orders of Her Majesty in Council, and to show that notwithstanding their important advance towards amelioration, they still justify proceedings which cause serious inconvenience to the passive and inoffensive neutral, are productive of but doubtful injury to our enemy, and inflict certain loss on ourselves; and hence to deduce a hope that the same spirit which has now so manifestly characterised the conduct of Great Britain, will still further develop itself, and that this country will eventually, in conjunction with the United States of America and the several powers of Europe, unanimously and unequivocally declare that the property of private individuals is as sacred on the ocean as it is on land.

In tracing the history of this subject, I have been led to select the Treaty of Utrecht as my first landmark, because by the terms of that Treaty were first distinctly laid down, acknowledged, and promulgated, the rights of maritime neutral nations, and because on the terms of that Treaty were based the several subsequent commercial relations established between the chief maritime nations of Europe, and which remained uncontroverted until the wars of the French Revolution. The words in point, of that Treaty are (Art. 17th): "And it is now stipulated, concerning ships and goods, that free ships shall also give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board belonging to the subjects of either of the confederates, although the whole lading, or any part thereof, should appertain to the enemies of either of their Majesties, contraband of war being always excepted." Here we have the principle that free ships make free goods, distinctly enunciated. It must, however, be borne in mind that this was but the stipulation of a treaty, a sort of special compact to exempt the parties to it from the application of the ordinary rule of International Law, viz.: "that the property of an enemy on board a neutral ship is good and lawful prize;" a maxim adopted by our own legal tribunals, as also by those of the United States of America, notwithstanding that country, from the very dawn of her existence as a nation, adhered to the opposite doctrine in her several commercial treaties.

When this Treaty of Utrecht was put an end to by the war of 1756, England abandoned its provisions, and thus fell back upon the rule of general International Law, and hesitated not to enforce in the most energetic and determined manner, her obnoxious belligerent rights; hence at length resulted the Convention formed against her, known as the Armed Neutrality of 1780. Notwithstanding, however, that formidable combination, composed of the United States of America as well as the maritime powers of Europe, England, trusting to her naval superiority, and conceiving that to permit traffic in her enemy's

merchandize would be injurious to her interests, resolved to seize, under the sanction of maritime International Law (as interpreted by her jurists, and laid down by her judicial tribunals), the property of her enemy when on the ocean, wherever it could be found, whether in the vessel of friend or foe; and thus, single-handed, she braved the storm of aggression with which she was assailed. The peace of 1783 for a time laid the question at rest, until the war with France consequent on the French Revolution, which broke out in 1793, again revived all the hostile feeling between that country and Great Britain. The right of seizing the enemy's property on board neutral vessels was again insisted on, and declared to be in accordance with the soundest principles of International Law, and the navy of Great Britain, much increased in number since the last war, aided by numerous privateers (a kind of legalized pirate now happily unknown), was actively employed in overhauling neutral vessels for the search of enemy's property.

The northern nations of Europe, with Russia at their head, again combined for the purpose of resisting this inroad on neutral rights. In the month of December 1800, a treaty renewing the confederacy for an armed neutrality was concluded between Russia and Sweden, to which Denmark and Prussia quickly gave their adherence. England, however, undeterred, still repudiated the maxim that "free ships make free goods."

There has always been an endeavour on the part of a country to foster and protect the commerce of its colonies; in her desire to accomplish this, France had, during her wars with England, invited other nations to trade with the French possessions in the West Indies, offering thereby to neutrals, a privilege during war, from which they were sedulously excluded during peace. The Prize Courts of this country had condemned that practice as far back as the year 1756, by a declaration of the principle "that a neutral has no right to deliver a belligerent from the pressure of his enemies' hostilities by trading with his colonies in time of war in a way that was prohibited in a time of peace." France, however, persisted in her course of action, and in the war of 1793 she again openly invited neutrals to trade with her colonies; although as an integral part of the French territory, they were to England hostile ground; England thereupon immediately issued instructions for the seizure of all vessels bringing goods from, or carrying supplies to, the colonies of her enemies. During the short peace consequent on the Treaty of Amiens in 1802, France reverted to her policy of monopolizing the trade of her colonies, and thus shut their ports against all vessels but her own; when, however, the war was in the following year resumed, she repeated her former invitation to neutral vessels, and thus resigned her colonial trade into the hands of nations not at war with this country, which, under the cover of their neutrality, indirectly promoted that trade and commerce which France herself, from her maritime weakness and fear of capture of her convoys, was incapable of assisting.

Thereupon the English Government published instructions which subjected to seizure all vessels carrying on trade between the colonies of France and any country, save the mother country, of the neutral

trader, and the then judge of our Prize Court (Lord Stowell) did not hesitate to enforce those instructions;\* and moreover, that eminent American jurist, Chancellor Kent, although the practice strongly conflicted with the commercial interests of his own country, and was directly at variance with the principle "of freedom of ship, freedom of goods," did not hesitate to say, "To me the rule of 1756 seems one of the most moderate and unobjectionable of belligerent claims."†

When the kingdom of Hanover was in 1806 taken possession of by Prussia, at the instigation of Napoleon Bonaparte a proclamation emanating ostensibly from the King of Prussia, but virtually the act of Bonaparte himself, was put forth, declaring "the ports of the North Sea, as well as the rivers flowing into it, closed against British shipping and commerce, as they were at the time when the French troops occupied Hanover." As a measure of retaliation, the English Government declared the mouths of the rivers Ems, Weser, and Elbe blockaded, and also laid an embargo on all Prussian vessels and property in the ports of Great Britain; less than a month afterwards another more comprehensive order was issued, extending the blockade to all ports between the Elbe and Brest, thus including the ports of Holland, those of Prussia on the German Ocean, and the whole seaboard of France: this was derisively styled "the Paper Blockade." Hence resulted the Berlin and Milan decrees of Buonaparte, and the Orders in Council of the British Government, put forth, the former in 1806 the latter in 1807, the combined effect of which for a time paralyzed the industrial energies and all but annihilated the trade of Great Britain. After being in force for nearly five years, the Orders in Council were rescinded, in consequence of their manifest disastrous results, having been incontrovertibly proved by evidence taken before the House of Commons, and so clearly and forcibly demonstrated by Lord (then Mr.) Brougham in his well-known speech in Parliament. The history of these Orders in Council is thus briefly but graphically given in the *Edinburgh Review* for July 1812: "These Orders in Council took their origin in a decree promulgated by Bonaparte in Berlin, on the 21st November, 1806, by which, in the usual style of that personage, he declared the United Kingdom to be in a state of blockade; that all commodities of English origin, or belonging to Englishmen, were good prize; and that no ship from England or her colonies, or which should have touched there, should be admitted into any harbour belonging to France, or occupied by her troops. This bravado was followed on our part by an Order in Council dated 9th January, 1807, by which we interdicted neutrals from the whole coasting trade from one part of France to another; and in November 1807, a series of new orders was promulgated, by which we declared that we would permit no trade with France and her dependencies except through England; all neutrals bound to these countries being required, in the first instance, to touch at our ports and pay a duty to our Government; and that every vessel which had not a certificate of origin on board, should be declared lawful prize. To which extraordinary edict, France finally replied, by what has been called the

\* "The Emmanuel."—Robinson's Admiralty Reports.

† Kent's Comm., pp. 84, 85.

Milan Decree, declaring in substance that any vessel which, in any way, submitted to our Orders of the 11th of November, or which had been searched in the course of her voyage by an English cruizer, should be considered as lawful prize. This is the sum of these unprecedented state documents, and the consequence was, that between the French Decrees and the English Orders, all neutral trade was effectually annihilated."

The effect of these Decrees of Buonaparte and the Orders of the British Government did not bear alone upon the commerce of England or even of Europe; their baneful influence extended across the Atlantic. The United States of America finding their maritime trade which they had carried on with neutral ports closed, or rendered highly dangerous from fear of the capture of their merchantmen or confiscation of their merchandise, at the hands of both France and England, passed an Act forbidding all friendly intercourse with either of those countries, so long as their restrictive measures remained in force.

This induced the English Government to rescind its orders so far as regarded American vessels and their cargoes, if American property. That relaxation, however, was based on the proviso, that the Government of the United States should no longer close their ports against our vessels, either of war or commerce. Before, however, these concessions were known in America, that country had already declared war with Great Britain, mainly on the ground of her offensive Orders in Council, but the right of search of American vessels for British seamen claimed and enforced by Great Britain, was a powerful stimulant in provoking feelings of hostility.

The right of search has always been a subject of contest and dispute; it is but natural that every nation should consider it an indignity to have its vessels stopped in their course, and overhauled under suspicion of having contraband articles on board, whether in the shape of merchandize or human beings, although it consists with reason as well as with the recognized Law of Nations, that in time of war, belligerents must insist upon that right if they would prevent their enemy from receiving from neutrals, or by their agency, war-like implements or materials. The Treaty of Ghent, concluded in 1814, established peace between Great Britain and America, but it is worthy of remark, that in that treaty no allusion is made to the maxim so firmly maintained by the United States that "free ships make free goods." Nor did it allude to the disputed right of search for British seamen on board American vessels. A general peace was established throughout Europe in 1815, but the several treaties consequent thereon, concluded between the different Governments of Europe, do not contain any new provisions or arrangements with respect to maritime commerce, nor do any of them revive any such conditions as might have been annulled or suspended by treaties or active hostilities. Thus England was left to carry out in any future war, her former recognized principles of international maritime law, with as much rigour or stringency as she had hitherto done, or to relax or abandon them as best suited her feelings, her policy, or her interest.

This brief historical sketch brings me to the Orders in Council

recently promulgated by the English Government, and the result or effects of them.

The words of the first Order in Council (dated 28th March), 1854, which bear on the present subject, are, "To preserve the commerce of neutrals from all unnecessary obstruction, Her Majesty is willing *for the present* to waive a part of the belligerent rights appertaining to her by the Law of Nations.

"It is impossible for Her Majesty to forego the exercise of her right of seizing articles contraband of war, and of preventing neutrals from bearing the enemy's despatches, and she must maintain the right of a belligerent to prevent neutrals from breaking any effective blockade which may be established with an adequate force against the enemy's forts, harbours, or coasts.

"But Her Majesty *will waive the right of seizing enemy's property laden on board a neutral vessel*, unless it be contraband of war.

"It is not Her Majesty's intention to claim the confiscation of neutral property, not being contraband of war, found on board enemy's ships; and Her Majesty further declares, that being anxious to lessen as much as possible the evils of war, and to restrict its operations to the regularly organized forces of the country, it is not her *present intention* to issue letters of marque for the commissioning of privateers."

Such is the mild language of the hostile policy of the present day. I need scarcely add that both in practice and theory an important change has been introduced into the exercise of our national belligerent rights. The flag of the neutral now covers and protects the property of the enemy—a maxim never before publicly avowed by Great Britain except under special treaty. The property of a neutral is also declared inviolable even on board an enemy's ship.

That, however, in itself, is no new expression of regard on the part of this country towards neutral property. In deference to the several writers on International Law, and in compliance with the decisions of our courts of justice, we have resolutely opposed the doctrine of "enemies' ships, enemies' goods." France, however, has on the other hand as steadily maintained it. And thus we have two maritime nations foremost in the path of civilization, each adopting a rule of International Law directly at variance with each other: an instance, and by no means a solitary one, of the uncertainty and flexible elements which compose, or are supposed to compose, the Law of Nations. In our present alliance with France, it became absolutely necessary that there should be uniformity of action respecting the exercise of belligerent rights, and thus the French Government has relinquished her claim to pronounce as liable to seizure the property of a neutral on board an enemy's ship; and England, on the other hand, has disclaimed her right to seize the enemy's property on board a neutral vessel. In further aid of these relaxations, it has been determined by both nations to grant no letters of marque.

Another important Order followed, dated April 15, which declared "that all vessels under a neutral or friendly flag, being neutral or friendly property, should be permitted to import into any port or place in Her Majesty's dominions, *all goods and merchandize whatso-*

*ever, to whomsoever the same might belong, and to export in like manner, to any port not blockaded, any cargo or goods not being contraband of war, or not requiring a special permission."* This Order directly justifies traffic with the enemy, both as regards British and neutral traders; but, practically, the British trader is excluded by reason of the fear of capture of his vessel if it enter the port of his enemy, and thus it is only by blockading the enemy's port that the British merchant can be put on the same footing as the neutral.

I now proceed to show, as far as I am able, the effect of these Orders in Council as evinced in the number, value, and tonnage of vessels captured by Her Majesty's ships, and the officers of the Crown, and condemned by a decree of the Admiralty Prize Court, to be sold for the benefit of the captors.

Since the commencement of hostilities with Russia up to the 1st of January, 1855, 92 vessels have been captured. Of these 40 have been condemned and sold as the property of the enemy; their gross tonnage amounted to 11,124 tons, and the gross proceeds of their sale, together with their cargoes, when not restored as the property of neutrals, amounted to the sum of 79,433*l.* 3*s.* 6*d.*

In addition to these, 8 were sold at Memel which produced 2,459*l.*, which, added to the sum of 79,433*l.*, gives the total 81,892*l.* These vessels were sold at Memel because being unseaworthy they would scarcely stand the voyage to England; 3 are still remaining there unsold. When these vessels were condemned, the English Government was requested by the Prussian Government not to publicly advertise their sale. In the peculiar manner in which Prussia has behaved during the present war, that request may have some significance; it was at once acceded to.

Of the 40 vessels sold in this country, the largest was of the burden of 600 tons and the smallest of 71 tons; the most valuable realized, together with her cargo, chiefly coffee, 9,993*l.* 1*s.* 9*d.*, and the least, 320*l.*: their average tonnage was about 278 tons, and their average value about 1,985*l.*

Although the individual value and importance of each vessel may be small, still collectively a large amount of property has been lost to the subjects of the Emperor of Russia. That loss, to be of any appreciable value to this country (since we must bear in mind that the sums produced by the sale of these vessels become the property of the captors, save some small portion which the Sovereign claims as droits of Admiralty, when the capture is made by others than the officers of Her Majesty's navy), ought to create a desire on the part of the Russian nation to be freed from the evils of war. But when we come to inquire upon whom these losses have fallen, and what class of the Russian population has been most affected by the want of the cargoes seized, we shall find that the seizure of these vessels affects but a small portion of the subjects of the Czar, and those not in a position to have much, if any, weight in influencing his arbitrary will.

Of these 40 captured vessels, 26 were laden with salt, 11 were in ballast, 6 laden with wine, 2 with wheat, 2 with tar and mats, 2 with coffee, 1 with molasses; thus fully two-thirds have had on board nothing but salt, an article used chiefly in curing fish for the winter food of the poorest: upon them, then, would fall chiefly the want of

that commodity. The owners of the captured vessels have been, for the most part, also the masters of them—Finlanders—whose all consisted of the small vessel they commanded, in which they made a voyage with a cargo of hemp or hides, returning laden with salt, from the coast of Lisbon or the Mediterranean.

As in literature and art, so in commercial enterprise, Russia is behind the other civilized nations of the world. Commerce is essentially the child of freedom; her powers of expansion and development are paralyzed by the withering influence of despotism or monopoly. Thus a mercantile marine, in the proper acceptance of the term, does not exist in Russia. True, her northern parts are for a great part of the year closed by ice, and many of her would-be harbours are too shallow to admit vessels of sufficient draught to rank as merchantmen; but her fiscal restrictions and the restraints of her absolutism far outweigh these natural impediments to her commercial development. In an able paper read before this Society in the month of June last,\* entitled "Our Commerce with Russia in Peace and War," it was stated that of the ships seen in our ports, not more than 1 in 50 was Russian, and "that not more than one-sixth of the shipping entering at and leaving Russian ports, was registered as belonging to Russian subjects." Russia has not her merchant princes. Those interested in shipping and mercantile pursuits are of a different class. They do not, as with us, rank high in the social scale; their voice is little heeded, if heard at all, in the Imperial councils; and thus the injury done to the maritime commerce of Russia by this war, is a matter of little consideration with the rulers of that country.

From the returns of the Board of Trade, giving the number of vessels employed in the foreign trade of the United Kingdom, it appears that during the period of nine months ending the 10th of October, 1853, there were 369 Russian vessels which entered our ports, their tonnage amounting in the aggregate to 97,776 tons, which gives an average of about 267 tons each. From Holland during the same period, there were 1,160 vessels, with a gross tonnage of 131,760 tons. Prussia numbered 1,292 vessels, with a tonnage of 274,542 tons; and with the exception of Belgium, Spain, and Portugal, the shipping of Russia ranks lowest in the scale. The period here comprised, would include the summer months, when the Baltic would be free from ice, as also part of the year 1853, before the prospect of a war could have interfered with commercial relations.

M. de Tegobonski, who has written on the productive power of Russia, thus accounts for the tardy commercial progress of his country.† "Besides," he says, "the incomplete and defective means of our communication, the want of capital and the dearth of credit amongst private persons, all of which cramp the development both of our internal and external commerce, there are other causes inherent in our commercial classes which retard the progress of our commerce. The principal of these is the want of education and of information in a great number of our traders, who rarely possess that knowledge which is necessary to carry out great undertakings and combinations of any magnitude, of which the benefits can only be realized at an

\* By Mr. Danson: see *Journal of the Statistical Society*, for Sept., 1854.

† *Etudes sur les Forces productives de la Russie*, vol. iii., p. 320.



uncertain future. The greater part of our merchants look only for large immediate profits, and often compromise their credit for momentary gain, and thus shake the confidence of their customers. Our merchants generally (that is, of Russia) are not sufficiently imbued with a true mercantile spirit, in the extended acceptation of the term, which to every man of intelligence means, that fidelity in all transactions and a well-established reputation are, ordinarily, the surest means of ensuring success, and that small but frequent gains on large transactions are worth more than large but sudden profits, which are realized to the injury of sound commercial enterprise."

Thus we have a Russian writer, in no way disposed to disparage his own country, compelled to admit that the traders of his country do not deserve the name of merchants, in the ordinary acceptation of the term.

Of the remaining vessels captured up to January 1st, 1855, 9 have been restored, 30 are waiting adjudication, of which 5 are claimed by one individual as being Danish property, he alleging himself to be a Dane, 19 involve the question of a breach of blockade: 6 having been captured in the Black Sea, have been taken to Malta as the nearest English port.

Of the claims preferred to the Prize Court for restitution of captured vessels, but 9 have, hitherto, been successful. It would have been useless for any Russian subject to have instituted a claim for the restoration of his vessel or cargo seized by his enemy; it has been, therefore, the practice either to sell the vessel at some neutral port and sell or transship the cargo, or when that has not been done, an ostensible sale has been made to a neutral shipowner, and thus, although the vessel was sailing under Russian colours at the time of her capture, she has been claimed as neutral property. The Danes have been the chief agents in such transactions, and so ingeniously have they managed their operations, that it has required much dexterity and penetration to unmask their deceptions. A question of this nature is now pending, which affects the capture of no less than 5 vessels alleged to be the *bond fide* property of one Danish subject. But in these transactions, neutrals must have incurred considerable risk if not serious loss, which has in some measure fallen on them instead of our hostile traders.

By allowing the neutral flag to protect the enemy's property, it became necessary to resort to the blockade. The only method by which, under the recent relaxation of belligerent rights, unrestricted traffic in our enemy's produce could be prevented, was by stopping its exit from his ports. This could be only effected through the operation of a blockade. This is neither the time nor place to define or quote authorities to show what amounts to a legal blockade; but I may, I trust, be permitted to say, that a blockade is oftentimes wholly nugatory both in law and practice. International legists tell us that the legality of a blockade depends upon the means of enforcing it with effect, which is something like saying that an offender is legally a prisoner to him only who is strong enough to secure him. The due notification also of the existence of a blockade, and a knowledge or presumptive knowledge of its existence on the part of those who violate it, is necessary to render them amenable to capture for their

act. An intricate and difficult question, involving proof of these facts with reference to our blockade in the Baltic, is now pending before the English Prize Court, in which virtually, the conflicting parties are the Danish, Swedish, Dutch, and English Governments.

Between the month of May and the middle of September 1854, there were boarded by Her Majesty's ships *Amphion*, *Conflict*, *Cruiser* and *Archer*, on suspicion of having broken the blockade of the Russian ports in the Baltic, 155 vessels, of which 17 belonging to neutral powers were detained and sent to this country for adjudication; of these 7 are Dutch vessels, 6 are Danish, 3 Swedish, and 1 belonging to Hanover. Here an obnoxious right of search was exercised, well calculated to excite the anger of neutral nations, and which the judicial inquiry now pending is not calculated to allay.\*

To blockade a country not completely insular is of little avail; it is only its sea-board that is effected by it. The whole of its land frontier is free. I need scarcely exemplify this by the export of so much Russian property through the medium of Memel, Dantzic, Königsburgh, and other neutral ports. That a considerable quantity of our enemy's produce has reached even this country through neutral agency is obvious. From the returns issued by the Board of Trade comprising the nine months ending October 10th, it appears that in that period of 1853, there were imported of *dressed flax* 22,719 cwts., in that of 1854, 17,487 cwts.; of *undressed flax*, in 1853, 1,038,126 cwts., in 1854, 931,330 cwts. Of these several quantities, two-thirds may be assumed to have reached this country from Russia. In the commercial circular just issued by the Hull Chamber of Commerce, it is stated that in the present year, about 2,092 tons of Riga flax have reached us, as against 4,215 tons in 1853. This would show a falling-off of nearly two-thirds, but it must be borne in mind that what has reached us has found its way hither by neutral agency at an increased cost. As bearing on this part of my subject, I will, with your permission, read an extract from the Report of the Royal Flax Society of Ireland, read at Belfast in the month of November last.†

"When war was declared by Her Majesty's Government against the Emperor of Russia, it was at once apparent that the interruption of our commercial relations with that Empire might seriously affect the supply of the raw material of the British and Irish linen manufacture, as well as the seed which has hitherto been obtained from Riga, for sowing in Ireland. When it is remembered, that of an annual average import of 80,000 tons of flax, nearly 60,000 are brought from Russia alone, and that of the yearly import of flax-seed from two-fourths to three-fourths come from Riga, it will at once be seen that the cessation or diminution of the supply of these articles as a consequence of the war might be productive of serious inconvenience to the linen manufacturers of the United Kingdom and the flax-growers of Ireland. So far, however, events have turned out differently from what was anticipated; the permitted import of Russian produce through the ports of Prussia, having secured even a larger supply of flax than usual: the quantity received during the

\* Since this Paper was read eight of their vessels, viz.: 3 Danish, 3 Dutch, and 2 Swedish, have been condemned for violating the blockade of Riga.

† Given in the "*Times*," November (*circa*) 25.

year ending 5th of October last being 86,837 tons, from all countries, against 74,418 tons in the same period between 1852-3."

It has also been authoritatively stated, that during the present war 60,000 tons of flax have passed through Memel for exportation. Of *dressed hemp* there were imported in the nine months ending October 10th, 1853,—18,625 cwts., in 1854,—11,605 cwts. Of *undressed hemp*, in 1853,—548,362 cwts., in 1854,—382,775 cwts. Of *flax seed and linseed* in 1853, we imported 635,099 cwts., in 1854, 467,523 cwts. Of *tallow*, in 1853,—538,182 cwts., in 1854,—448,993 cwts.\* One half at the least of these articles we derive from Russia, and hence it will at once be seen, that notwithstanding the war and the blockade of the ports of Russia, a vast quantity of her produce has reached this country.

It has been said that last winter, 102,000 casks of tallow were shipped and reached this country from Russia; whereas to the same date this year, 35,000 casks have been forwarded, of which only 13,000 have been shipped, and that the remainder is finding its way overland to neutral ports, a distance of about 600 miles. The tallow shipped from St. Petersburg to this country has been in 1851, 101,304 casks; 1852, 82,561; 1853, 97,355; 1854, for a corresponding period, 68,925 casks were dispatched overland, of which 17,000 have arrived.†

In proof of the view taken by Russia herself, I will read an extract from the St. Petersburg Gazette, of 20th September, 1854.

"It is known that an enormous quantity of tallow is being prepared in the nine melting-houses at Samara. This article used to find its principal vent in our Baltic ports, from which it was, for the most part, sent abroad. For the wants of the naval service this year 453,000 poods of tallow had been prepared, worth nearly a million of roubles. While the tallow was being melted and refined the end of the winter came, and at the same time the complete rupture between Russia and England. Our merchants took the alarm on the supposition that tallow this year would not be in demand from abroad. Navigation opened and they sent, nevertheless, their goods by the Volga to Rybinsk. In the spring our trade found another outlet. It is true tallow was not sent to the Baltic ports, but it was by land to Prussia. From Rybinsk they sent it by small steamers to Iver, and beyond down the Volga. Thence it was taken on by land carriage to the frontier; the carriage cost 31 silver copecks per pood. In this way our merchants got rid of all their tallow not without profit, and political events had no influence on the movements of commerce. Our tallow will reach England, but by another route; the English will have to pay a higher price for it than they would from us direct. Such is one of the advantages obtained by England in consequence of her declaration of war."

This coming from a Russian source must be taken with some mistrust; still being put forth in the organ of the Government in a country in which no one is permitted to think or reason for himself, it will doubtless have its weight.

The cost of carriage overland, whether by canal or road, would

\* Mr. Danson's paper "On the Effect of the War on Commerce," p. 208.

† Messrs. Smith and Charles's Circular in "Times," Nov. 7th, 1854.

exceed that of sea-carriage, not only by reason of the greater distance the articles must travel, but from various other causes, and hence their price must be enhanced and a loss inflicted somewhere. Upon whom then will this loss fall, on the purchaser or the producer? On the reply to that question will depend, whether Russia or those nations which require and receive her produce, will, in one point of view, suffer most by the blockade. In an article on this subject in the "*Manchester Guardian*" of August last, it was stated "it would be a great mistake to conclude that Russia suffered nothing by the blockade. Of raw produce, which constitutes the great bulk of the exports of Russia, the costly transport by land to the German frontier, and then its costly transport to a German port, must leave a very small portion of the price which it there commands to the lot of the Russian producer." It may savour of presumption to question these remarks, coming from so weighty an authority, but is it not the fact that the price demanded for manufactured produce is in a great measure regulated by the price of the raw material of which it is composed, and whom but the consumer does this increase eventually affect? It surely cannot affect the producer; he gets his price, and the extra cost of carriage or freight falls on those who purchase from him, who in their turn look for repayment by the increased price which they find themselves compelled to charge their customers. This is the daily result of the ordinary dealings of trade; common store candles, *e.g.*, have risen from 6*d.* to 9*d.* per pound, (50 per cent.); hair brooms and brushes, again, have risen much in price; and who but those who require those articles pay the increased cost?\*

To prevent by a blockade the export of our enemy's produce by sea and not to attempt to prevent it by land, would seem but an anomalous proceeding and one of much injury to our own commercial interests; it has therefore been urged in some quarters, that we should prevent altogether the importation of Russian produce, either through the neutral territory of Prussia or any other country. This could only be done by demand of a certificate of origin—a document easily simulated and of little value as evidence as to the real national character of merchandise. But to those who would advocate this more stringent mode of excluding our enemy's produce, I would venture to put the question, whether the consequences of such a measure would not, whilst striking a blow at the commercial interests of Russia, recoil with ten-fold force on ourselves. To exclude altogether from our markets the raw materials of hemp, flax, and tallow, would but divert those articles to a channel which would carry them to the United States of America, the Hanse Towns, and all other States not embroiled in the present war, which may as yet be said to be the whole of the world, save England and France. The result would be, that we should inevitably lose the manufacture from the raw produce of Russia, which we carry on to a great extent.

During the nine months ending October 10th of the present year, we exported 272,448 cwts. of cordage and cable; 2,904,222 yards of linen; 354,747 gallons of linseed, hempseed, and rapeseed oils; and of candles 127,729 pounds: these are severally manufactured by us

\* It has been calculated that the extra cost of Russian produce, occasioned by the necessary land carriage, has exceeded 2,000,000*l.*

chiefly from Russian raw material, and to deprive us entirely of that material, would go far to close the mills and workshops engaged in that portion of our trade. Conceive for a moment the importation of cotton into the port of Liverpool being from any cause suddenly stopped; what would be the fate of the mills of Manchester? These are consequences which it would be well for those who urge the total exclusion of Russian produce to consider. The disastrous results consequent on the Orders in Council of 1807, bear incontrovertible testimony to the baneful effects of the complete exclusion of foreign produce from our shores. It is true the granting of licenses might be resorted to, but the experience of the fraud and perjury practised during the last war respecting them, would preclude every honest mind from adopting so pernicious a system.

The inferences that I would draw from these remarks are: 1st. That the loss consequent on the confiscation of Russian vessels and their cargo, has not affected that nation at large, but that the loss has chiefly fallen on a comparatively poor and insignificant portion of the population, and that the nobles and the higher classes are not yet sufferers thereby, and that there is, therefore, no influence to bear upon the will of the Emperor so as to induce him to seek for peace. 2nd. That the blockade of the ports of Russia has not, in the Baltic, prevented the export of her produce nor the import of such articles as she imperatively requires, but has excited feelings of hostility on the part of the northern neutral powers of Europe towards England, which tends to estrange them from an alliance with her. 3rd. That the recent Orders in Council, although abandoning much of that intolerant spirit which has heretofore characterized the exercise of our belligerent rights, might, without injury to ourselves, advance still further in the path of lenity. That it would be sufficient to blockade our enemy's ports for the purpose of preventing the ingress or egress of the munitions of war, and disabling his ships of battle, but that his mercantile vessels should, if wholly engaged in commerce alone, be allowed to pass and repass unmolested.

In conclusion, I would remark that the American Consul in this country, writing, on the breaking out of the present hostilities, to the Minister for Foreign Affairs in New York, states, that in an interview with the Foreign Minister of this country, the latter said, "that he had found great difficulties in overcoming the practice of England for so many years, and their unvarying judicial decisions; but that modern civilisation required a relaxation in the former rules, and that war should be carried on with as little injury to neutrals as was compatible with the interests and safety of belligerents."

In addition to this, the last Message of the President of the United States of America contains language of much import as bearing on this question. That country, as is well known from the day it renounced its allegiance to England and became an independent nation, has rigidly maintained and adhered to the maxim "free ship, free goods." President Pierce, in his Message dated 4th December last, tells us that when, on the alliance of England and France in hostility to Russia, those two countries determined to exempt from seizure neutral property on the ocean, the United States and Russia entered into a Convention guaranteeing the same privileges to their mutual

subjects, and that the Kings of Prussia and of Naples and Sicily expressed their readiness to adopt the same course; the former, however, qualifying his assent by the suggestion that the practice of privateering should be wholly abandoned. But to this the American authorities were unwilling to assent, assigning as a reason, their inability to cope with other nations, in the case of war, whose navy was larger and more powerful than their own, unless by resorting to reprisals by means of their private mercantile marine. As a measure of self-protection and thus of national policy, we can scarcely object to such a course of reasoning; but in order to show the sense entertained by the United States on the general question of the seizure by belligerents of private property, the President adds, these significant words: "Should the leading powers of Europe concur in proposing as a rule of International Law, to exempt private property upon the ocean from seizure by public armed cruisers as well as by privateers, the United States would readily meet them upon that broad ground."

Here is a direct invitation on the part of the United States of America to the maritime powers of Europe, to join in freeing commerce from the evils of war. France has relaxed her rule, that enemy's goods makes an enemy's ship. England has proclaimed that enemies' property on board the vessel of a neutral is free from seizure. Thus we have three of the most powerful maritime nations in the world, advancing simultaneously in the path of charity and civilization. Let us then augur from this, that the day is not far distant when commerce will be unaffected by war, and international law will be freed from the reproach that it is but the law of the strongest, and that belligerent rights partake chiefly of the freebooters' maxim, "that they may get who have the power, and they may keep who can."

As a further source of hope for such a result, I would allude to the contemplated Congress at Paris. The Exhibition about to take place there, affords a favourable opportunity for cementing the mutual amity which now so firmly exists between France and England, and of deriving some other benefit than that of the defeat of our common foe. An effort is I understand to be made, to effect an assimilation of the commercial law of all nations. The Emperor of the French has expressed himself favourably disposed towards such a consummation. Doubtless one subject of consideration will be the protection of private property from the spoliation of hostile nations. England can scarcely recede from the spirit of lenity she has so recently established; France has already shown her desire to forego the exercise of her hitherto claimed belligerent rights; and the other powers of Europe, together with America, will cordially join in an expression of principle which will at once liberate the commerce of the world from baneful restriction, and tend to establish that freedom of intercourse the interruption of which is unnecessarily made an additional evil to the many that follow in the dismal and melancholy train of war.